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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/176,012	10/20/1998	JORG METTERNICH	GE997-053	7654

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EXAMINER

BEAMER, TEMICA M

ART UNIT PAPER NUMBER

2681

DATE MAILED: 04/13/2005

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/176,012

Applicant(s)

METTERNICH ET AL.

Examiner

Temica M. Beamer

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/29/2004 (decision by board of appeals).
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-14 and 23-29 is/are allowed.
6) ☐ Claim(s) 15-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 15, 16 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Honda, U.S. Patent No. 5,875,405.

Regarding claim 15, Honda discloses:

a) using a user data processing system (e.g. MT1) to prepare a query profile, having an associated brief command at least one information requirement, where the brief command can be produced using the keypad of a mobile telephone (col. 4, lines 12-30);

b) sending the query profile in accordance with step a) using the user data processing system to an information supplier (col. 4, lines 27-30); and

c) storing the query profile at the information provider on an information supplier data-processing system which can communicate with the telephone network of the mobile telephone (col. 4, lines 2-8 ; figure 1).

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Regarding claim 16, Honda discloses the method in accordance with Claim 15 characterized in that step b) is effected over a data link (RF) between the user data-processing system and the information supplier data-processing system (figures 1 and 6).

Regarding claim 20, Honda discloses the method in accordance with Claim 16 characterized in that the data link is effected through a modem to the information supplier data processing system (figure 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda.

Regarding claim 17, Honda discloses the method in accordance with claim 15 as described above. Honda, however, fails to specifically disclose wherein the query profile is produced via a speech computer.

The examiner, however, takes official notice that it is very well known in the art that information can be produced by means of a speech computer.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Honda with the teachings of well known prior art

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for the purpose of having the capability to provide information during times when a user of the mobile phone can't use their hands to submit information.

Regarding claim 18, Honda discloses the method in accordance with claim 15 as described above. Honda, however, fails to specifically disclose wherein the call for information is sent with a PIN where the PIN establishes entitlement to call for the specified information.

However, the examiner takes official notice that it is well known in the art for a PIN to be transmitted along with requested information from a user.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Honda with the teachings of well-known prior art for the purpose of verifying the user requesting the information for security purposes.

Regarding claim 19, Honda discloses the method in accordance with claim 15 as described above. Honda, however, fails to specifically disclose wherein the call for information is sent with the telephone number of the caller, where the telephone number establishes entitlement to call for the information.

However, the examiner takes official notice that it is well known in the art for the telephone number to be transmitted along with requested information from a user.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Honda with the teachings of well-known prior art for the purpose of verifying the user requesting the information for security purposes.

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5. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda in view of Sormunen et al (Sormunen), U.S. Patent No. 6,112,078.

Regarding claim 21, Honda discloses the method in accordance with claim 16 as described above. Honda, however, fails to disclose wherein the data link is affected through the Internet to the information supplier data processing system.

In a similar field of endeavor, Sormunen discloses a wireless system having a method for obtaining at least one item of user authentication data. Sormunen further discloses wherein the data link is affected through the Internet to the information supplier data processing system (col. 4, lines 4-11).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Honda with the teachings of Sormunen since it is well-known in the art that mobile terminals/data processing systems can communicate with the Internet in order to obtain desired information.

Regarding claim 22, Honda discloses the method in accordance with claim 15 as described above. Honda, however, fails to specifically disclose downloading JAVA applets stored on a server of the information supplier through an Internet to the data processing system of the user of the mobile telephone; and preparing the query profile in accordance with step a) by means of the JAVA applets.

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Sormunen discloses a method of downloading information from an information supplier to the data processing system of a user of the mobile telephone by way of the Internet (col. 2, lines 32-49, col. 4, lines 4-11).

Although Sormunen fails to disclose JAVA as the programming language used for the Internet communication, the examiner, however, takes official notice that it is well known in the art that JAVA is a widely used programming language for the Internet.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Honda with the teachings of Sormunen and well known prior art for the purpose of having access to the world wide web (WWW), and further it would have been an design preference in choosing the programming language used for the Internet communication based on system and need performance.

Allowable Subject Matter

6. Claims 1-14 and 23-29 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: Regarding independent claims 1 and 23, prior art fails to suggest or render obvious putting together the information of the information requirements contained in the associated query profile and sending the information to the mobile telephone.

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Conclusion

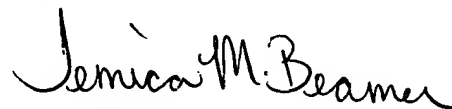
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer
Primary Examiner
Art Unit 2681

April 12, 2005


TEMICA BEAMER
PRIMARY EXAMINER